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AUG 15 2005

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ROBERT H. SHEMWEILL, CLERK
WESTERN DISTRICT OF LOUISIANA

EPCO CARBONDIOXIDE
PRODUCTS, INC.

CIVIL ACTION NO. 04-2324

versus

JUDGE JAMES

J P MORGAN CHASE BANK, NA

MAGISTRATE JUDGE HORNSBY

J U D G M E N T

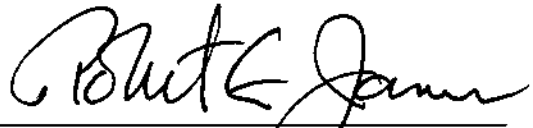
For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the

applicable law, *the Court ADOPTS the Report and Recommendation of the Magistrate Judge except footnote 4, and*

IT IS ORDERED that Chase's Motion to Dismiss (Doc. 8) is **granted** and EPCO's complaint is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that EPCO's Motion to Strike (Doc. 18) is **denied** as moot.

THUS DONE AND SIGNED at Monroe, Louisiana, this the 15 day of August, 2005.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE